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September 28, 2018

Betty B. Cason
Judge, Probate Court
Carroll County
Carrollton, Georgia 30112

RE: Your letter concerning firearm permits

Dear Judge Cason:

Again, I apologize for the delay in getting you a response to your letter concerning some issues surrounding firearm permits in Georgia.

Your first inquiry concerned reciprocal states. As you know, Georgia extends the courtesy of possessing a concealed weapon to the appropriately licensed residents of approximately 21 states in addition to those licensed by the State of Georgia. As provided in O.C.G.A. § 16-11-126(e), "a person licensed to carry a handgun in any state whose laws recognize and give effect within such state to a license issued pursuant to this part shall be authorized to carry a handgun in this state, but only while the licensee is not a resident of this state; provided, however, that such license holder shall carry the handgun in compliance with the laws of this state." Thus a properly licensed resident of a reciprocal state would be treated as if they had a concealed weapons permit issued by the State of Georgia. If we extend this privilege to the residents of a reciprocal state, the expectation is that they would do the same to the resident of Georgia who is temporarily visiting their state.

The next question you asked concerned non-resident permits. As stated in O.C.G.A. § 16-11-129(a), probate courts are authorized to issue permits "to any person whose domicile is in that county." The only exception to this statute is for active duty military personnel "who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application." Thus, if someone were a resident of South Carolina, they would not be eligible to receive a Georgia permit until they became a Georgia resident, unless they were an active duty member of our nation's military.

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I hope that this is of some assistance to you. Please note that these are the opinions and thoughts of the author and should not be construed as an opinion of the Attorney General, official or unofficial. If you have any other questions, please contact me directly.

Sincerely,

Robert W. Smith, Jr.
Assistant Attorney General